

ROOSEVELT WINS FIGHT TO BAR EVIDENCE

SENATOR STILWELL GETS 4-YEAR SENTENCE

WEATHER—Rain probable to-night; Thursday fair.

FINAL
EDITION.

PRICE ONE CENT.

Copyright, 1913, by The Press Publishing Co. (The New York World).

NEW YORK, WEDNESDAY, MAY 28, 1913.

24 PAGES

PRICE ONE CENT.

The



The World

FINAL
EDITION.

"Circulation Books Open to All."

"Circulation Books Open to All."

STATE SENATOR STILWELL SENTENCED TO PRISON FOR FROM FOUR TO EIGHT YEARS

Justice Seabury Grants Stay of
Ten Days Before Sending
Him to Sing Sing.

FIGHTS FOR NEW TRIAL.

Certificate of Reasonable
Doubt to Be Asked at Once
by Counsel.

Stephen J. Stilwell, who represented the Twenty-first District, in the Bronx, in the State Senate and who was convicted of bribery last Saturday night, was today sentenced by Justice Seabury to serve a term of not less than four years and not more than eight years in Sing Sing prison.

At the request of Stilwell's counsel, Robert M. Moore, a stay of execution of ten days was granted to permit of an application to the Supreme Court, in Stilwell's behalf, for a certificate of reasonable doubt.

With unerring instinct for the lime-light, Sheriff Julius Harburger was early in the Criminal Branch of the Supreme Court today. He was armed with a revolver and a deep sense of responsibility. It was his intention to rush Stilwell to Sing Sing as soon as sentence was pronounced.

STILWELL BROUGHT TO COURT BY ARMED DEPUTIES.

Stilwell was brought into court by three Deputy Sheriffs all armed similarly to the Sheriff. The convicted State Senator carried his head high and showed no emotion as he faced many of his friends from the Bronx who had crowded into the courtroom. Assistant District Attorney Nott moved that sentence be pronounced.

Clark Penny asked the prisoner if he had anything to say. Mr. Moore replied that he could see no profit for his client in any remarks. Justice Seabury thereupon pronounced sentence without comment and immediately Mr. Moore offered his successful motion for a stay.

Stilwell was taken back to the Tombs. If his counsel is successful in getting a certificate of reasonable doubt Stilwell may be released on bail.

Mr. Moore will apply for a certificate as soon as possible. He has four grounds upon which he bases his hopes for the right to prove that his client was unjustly convicted. These grounds have to do with the admission of improper evidence, with improper examination of the defendant and with errors committed by the charging of the jury—all these charges being allegations on the part of Mr. Moore.

LOBBY FRANCHISE AND SENATORSHIP AUTOMATICALLY.

In giving his pedigree, after sentence was pronounced, Stilwell said he was forty-seven years old, and gave his address as No. 311 Oliveville avenue, Bayside. No member of his family was in court to hear him sentenced.

Stilwell's conviction took away his citizenship and, of course, his eligibility to hold the office of State Senator. It also automatically disbarred him from the practice of law.

He was convicted of demanding \$5,500 from George H. Kendall, President of the New York Bank Note Company, as a bribe to be paid to certain unnamed members of the Codes Committee of the Senate and the Assembly for reporting out a bill in which Mr. Kendall was interested.

The Senate tried Stilwell on the same charge in April and acquitted him by a vote of 28 to 21. Gov. Sulzer then requested District Attorney Whitman to take action, and indictment, conviction and sentence swiftly followed.

ONE STOLEN KISS COST THE LIFE OF PRETTY BRIDE

Girl Kills Herself After Telling
Husband About Love
Affair on Ship.

Elsa Stoyer, blue eyed, flaxen haired and dainty—a bride of five weeks—died by her own hand to-day in the home her husband Heinrich had provided at No. 27½ Morton street.

Then Heinrich, the slender young German who had saved from his wages of five years a monthly dote of love in order that his wife might come here and be his bride, came home to the Morton street apartment at noon to-day. He found Elsa stretched upon the white bed with a tiny blue hole through the fair skin of her forehead and in her hand, still warm, a wicked little French automatic. Heinrich threw himself upon the floor before the piano and his hopeless hands struck jarring discords on the keys.

"Now—now," he cried in the patois of his native Schleswig Holstein, "thou wilt play no more on this piano, my Elsa."

Elsa came from Germany on April 17. On the day after her arrival she went to the State street Lutheran mission and there Pastor Restin made her Heinrich's wife. Heinrich then took his bride to the little home he had prepared for her.

In the dark, that wedding night, Elsa, her head on the knees of her husband, made her confession of frailty, old as the world and tragic as the fall of Eve. There had been a young German on the boat, she said, a farmer returning to his farm near Portland, Ore., after a visit to his people in Germany; he had courted her madly and, though she had kept the truth for five years and was coming to be wed, she gave to this man the kiss Heinrich's mother had given to her Heinrich.

In the greatness of his heart the husband had found place for forgiveness. He even offered to secure her legal release from him so that she could go to the man in the Far West. But Elsa, the flaxen haired, only wept from day's end to day's end. The kindness of the husband had added to the burden of her grief.

To divert her the young husband bought a piano. When the instrument was installed in the apartment Elsa seemed to find easement for her heart at the keyboard and night after night she sat before the keys, working a magic of wondrous melody. The neighbors used to throw open their windows and all listening.

Heinrich thought the piano had brought consolation and succor from sorrow. He did not know until to-day when he looked upon that round, blue hole in Elsa's forehead that it was a breaking heart that had cried out through the strings of the instrument.

COMMISSION REVOKES
FIGHT CLUB'S LICENSE.

The Boxing Commission at a brief meeting this afternoon cancelled the license of the Paddock Athletic Club for its failure to comply with Fire Department regulations. While possessing a license granted three months ago, the Paddock A. C. never held bouts. The Fire Department deemed the club's building, in East Fourth street, unsafe for large gatherings and ordered several changes. The Boxing Commission, believing that the club officials had sufficient time to make the alterations, cancelled its license.

When you don't advertise nobody knows you are doing business, and it won't be long before you will not know it yourself.

KIDNAPPED CHILD DESERTED BY GIRL IS BACK AT HOME

Little Freda Liebowitz, Her
Curls Cut Off, Found Cry-
ing on Doorstep.

TELLS OF ADVENTURES.

Believe Man Persuaded Annie
Boyersky to Desert Child
and Go With Him.

Four-year-old Freda Liebowitz was quite the heroine of Brownsville to-day. Attended by two of her sisters and an admiring throng of neighborhood children, she travelled from tenement to tenement, collecting pennies from sympathetic mothers, and from candy store to candy store spending the pennies. She told the story of her adventure with Annie Boyarsky, who kidnapped her Sunday afternoon and deserted her in the Bronx yesterday evening, so often and with such a variety of detail that, after many repetitions, it became a tale of the Arabian Nights variety.

"Did you swim a river?" Freda was asked.

"Yes," she replied; "we swam a river." "Did you climb a mountain?" "We climbed ever so many mountains."

Annie Boyarsky is still missing. Before Freda got all mixed up under the influence of questions she said that when Annie Boyarsky took her away from her home at No. 413 Wyona street last Sunday afternoon they went first to a hospital or a doctor's office. Where they spent the night the child could not recall.

THEY RODE ON CARS AND
LOOKED IN AT STORES.

The next day they rode on cars and looked in many store windows and mingled with great crowds of people. The child's story is a sad and yesterday they walked and rode in cars.

"When it was getting dark," said Freda, "and it was cold, Annie said to me to wait and she would go buy me a dress. I waited and waited and began to cry and a foot took me home and she said to me to wait and she would go buy me a warm jacket and gave me to a policeman."

This was away up in the Bronx at No. 413 East One Hundred and Eighty-sixth street, fifteen miles from East New York. The officer, Policeman Elmer, took the child to Tremont station-house.

Possibly because she was frightened, possibly because Annie had told her not to tell her name, Freda was not communicative to the police. After a couple of hours at Tremont she was taken to the Morrisania station where there is a matron. There about 9 o'clock last night Mrs. Sarah Sullivan, the matron, recognized her just as she was going to be taken to the Children's Society as an ordinary lost child.

Lieut. McGarry showed Freda a picture, and when she cried "Annie!" he quickly communicated with Detective McKeon of the Miller avenue station. McKeon found the little girl's mother, Mrs. Philip Liebowitz, hysterical and her husband, Freda and Rose Liebowitz, of No. 280 Vermont street, Brooklyn, hurried to the Morrisania station.

Little Freda recognized her aunt at once and held out her arms to them. Hoping to learn something of Annie, the police retained the child till nearly midnight, but got no clue.

The child arrived home about 12:30 this morning. The meeting with the mother was pathetic. Several hundred neighbors thronged around the room and had to be held back by the police.

Frieda had apparently been fairly well cared for and there is no doubt that she was under cover up to within a short time of her appearance on the apartment house steps.

Wife of Millionaire Banker, Whom She Is Suing for Divorce



MRS. A. BISHOP

TIGHT-PACKED CAR INSURES SAFETY. IS COURT OPINION

Lawyer Wins Against Charge
of Cruelty to Crowded Calves
by Novel Argument.

Calves and Brooklyn street car patrons are in the same class, according to a judicial opinion handed down in Brooklyn to-day. Furthermore, calves and Brooklyn street car patrons are more comfortable when packed tightly than when packed loosely.

The calves used in this comparison became defunct several days ago, but the Brooklyn street car patrons are still alive. It will probably interest them exceedingly to learn that they have been legally classified.

The S. P. C. A. looks out for calves, and an agent of that society arrested John Lohman, a driver, a week ago. Lohman was piloting a truck loaded with calves from Jersey City to an East New York abattoir when S. P. C. A. Agent Evans apprehended him at Broadway and Ralph avenue and charged him with cruelty to his load. There were thirty-seven calves in the wagon and Evans took the ground that they were painfully packed.

Lohman was arraigned in Gates Avenue Court today. A lawyer named Knittel appeared in his defense.

"When the cart arrived at the East New York abattoir," said the lawyer, "accompanied by the S. P. C. A. agent, a Board of Health inspector examined the calves. He found they had not been harmed by being so packed and that they were crowded against one another."

"Why, your Honor," the lawyer continued, "you know you are more comfortable in a crowded street car if you are standing up. I have"

ing the car is so packed that there is no more room for passengers?" "Even then," persisted the lawyer, "there is less danger of hurt or injury. I have ridden all the way downtown on a packed street car and have not been harmed. On the other hand, I have been thrown into the laps of seated passengers, to their discomfort and my own."

"The argument that you are more comfortable when you stand among so many persons that you have no room to fall down appeared to have an effect on the Court. Then Lohman produced evidence that an inspector in Jersey City had passed his load of thirty-seven calves before he started for Brooklyn and the Court discharged him."

No agent ever held up a Brooklyn trolley car and arrested the driver or conductor for stuffing the car with passengers.

There is no Society for the Prevention of Cruelty to Persons Who Ride on Trolley Cars.

DR. FRIEDMANN SERUM IS FAILURE, SAYS MAYOR.

Declares Dr. Lederle Is About to
Report Adversely Upon Tubercu-
losis Treatment Tested Here.

Mayor Gurney, after talking with Health Commissioner Lederle to-day regarding the Friedmann tuberculosis serum, said that he understands the Friedmann method "is an absolute failure."

"When Dr. Friedmann came here," said the Mayor, "I gave directions that he be given a fair show. When a man comes along with anything new he is usually howled down. I do not like that. He has had a fair show and I understand that his method is an absolute failure. He cannot go away from here saying that he has not had a fair show."

"I do not understand Dr. O'Connell's letter. I had supposed he followed the matter from the beginning and therefore knew that Dr. Lederle was about to report to the Board of Health the failure of Dr. Friedmann and his serum."

BISHOP ADMITS MOTOR RIDES WITH MRS. GWATHMEY

Banker, Sued for Divorce,
Tells on Stand of Strolls
in Central Park.

HE LUNCHEONED WITH HER.

All Their Meetings Were
Proper and Conventional,
He Declares.

James Cunningham Bishop, the millionaire banker, on the stand in his own defense this afternoon in the trial of the suit for divorce instituted by his wife, Abigail Hancock Bishop, who names Mrs. J. Temple Gwathmey, wife of the former President of the Stock Exchange, as corespondent, denied any acts of infidelity with Mrs. Gwathmey, but admitted lunching with her and motoring with her on many occasions.

Mrs. Gwathmey, he said, was estranged from her husband when he met her in 1907. He did not see her again until June, 1912. In June, July and succeeding months in 1912 he was in the company of Mrs. Gwathmey. They often took lunch together at hotels.

"Do you think that your frequent association with Mrs. Gwathmey tended to lessen the friction which you say you knew existed between her and her husband?" asked William Travers Jerome of counsel for Mrs. Bishop.

"I don't suppose it did. I realized that she was unhappy with her husband. But that was nothing extraordinary. Lots of persons who are unhappily married continue to live together."

"I regret to say that that statement is too true," said Mr. Jerome.

Mr. Jerome handed Bishop a photograph of Mrs. Gwathmey and Bishop's hands shook as he accepted the photo and in a low voice said, in response to a question:

"Yes, that is Mrs. Gwathmey." The lawyer next won the admission that much of Mr. Bishop's luggage was marked "J. C. Baer."

"Did you take any step to see if there were a Dr. J. C. Baer of Philadelphia, as you are accused of having registered?"

"Yes, we went to Philadelphia." "Did you find a Dr. Baer?" "Yes, but not a J. C. Baer."

Mr. Bishop then told at length of various meetings with Mrs. Gwathmey, all of which, he declared, had been under perfectly proper and conventional circumstances.

Mr. Bishop was asked if he had corresponded with Mrs. Gwathmey at various times. He admitted having written and received a few letters, which he declared were "unimportant."

Mr. Bishop also admitted that on several occasions he had met Mrs. Bishop and gone with her for a ride in Central Park in her automobile and afterward for a walk.

At last Mr. Jerome got down to the

COURT HITS DEFENSE, RULES FOR ROOSEVELT AT LIBEL SUIT TRIAL

Judge Flannigan Refuses to Permit
Editor Newett to Introduce Evi-
dence That Other Papers Printed
Stories of Alleged Drinking.

LAWYERS WRANGLE OVER POINT FOR HOURS

Close Friend of the Ex-President
Testifies To-Day Strongly Denying
Charge of Excessive Drinking.

MARQUETTE, Mich., May 28.—A new element was introduced to-day in the trial of the suit for \$10,000 damages in an action charging libel brought by Theodore Roosevelt against George A. Newett, editor of the Iron Ore of Ishpeming, Mich., who published an editorial asserting that Roosevelt often drank to excess.

John Callan O'Loughlin, a Washington newspaper correspondent and close friend of Roosevelt, had testified as to the Colonel's sobriety. He was asked by Lawyer Belden for the defense whether there had not been rumors of a general character that Roosevelt occasionally drank to excess. O'Loughlin declared the story was false.

The answer did not suit either side. Then the counsel for the defense announced his intention to attempt to prove that rumors about Roosevelt's use of liquor had gained wide circulation, and that this had been published by Newett in good faith and without malice. The jury was excluded while the lawyers argued before Judge Flannigan the question of the admissibility of such testimony. Lawyer Belden said it could not be contended that the publication of such a rumor in a small country weekly had materially damaged the Colonel, and that unless the plaintiff limited his demand for damages to six cents he would go on with that line of defense.

After an argument that took up several hours, both at the morning and afternoon sessions, the Court gave a ruling that was favorable to Col. Roosevelt. He said he would not permit Newett to show that other newspapers published reports that Col. Roosevelt was addicted to excessive drinking. Then the Colonel's lawyers may, with the aid of many of the affidavits that Newett has obtained.

MANY WOMEN ATTEND THE
LIBEL SUIT TRIAL.

WHITE HOUSE MINT BED STARTED BY M'KINLEY AND IS USED BY WILSON.

New President's Chef Garnishes
Spring Lamb With Sprigs—
Taft Served Juleps to Friends.

WASHINGTON, May 28.—The White House mint patch, referred to by Col. Roosevelt in his testimony in the libel suit at Marquette, Mich., promises to become as much an object of interest to apital visitors as the Washington Monument or the Library of Congress. Already tourists are asking the White House police to point out the bed that gave up its fragrant leaves for Col. Roosevelt's occasional juleps.

The bed, fifteen feet long by four feet wide, is situated alongside a latticework house used by the White House laundress in which to dry clothes. Although mint always has been within easy reach of the White House porch, the present "patch" was established by President McKinley. President Taft seldom used it, although it furnished its part to many a refreshing julep served to Mr. Taft's callers.

President Wilson also uses it—for garnishing spring lamb.

London Interested in What Roosevelt Drinks.

LONDON, May 28.—The British newspapers to-day devoted much space to accounts of Col. Roosevelt's libel suit. Several of the morning newspapers printed "boxes" showing what Col. Roosevelt drinks and what he does not drink, and for the benefit of their British readers they carried "glossaries" of American drinks, defining the alcoholic beverages by which the Colonel referred in his testimony.

"I met the Colonel in Washington in 1905," he said, "when he was connected with the Civil Service Commission. Later I knew him when he was Assistant Secretary of the Navy. That was at the beginning of the Spanish-American war, and I always saw Roosevelt twice a day, and sometimes five

FOR RACING SEE PAGE 19.